

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:12-CR-261-T-17TGW

LEONEL FRAGOZO.

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ORDER

This cause is before the Court on:

Dkt. 128	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 134	Amendment 782 Memorandum
Dkt. 141	Notice of Federal Defender's Office
Dkt. 145	Order Denying Motion
Dkt. 149	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 151	Amendment 782 Memorandum
Dkt. 155	Defendant's Memorandum

Defendant Leonel Fragozo, *pro se*, moves for a 2-level reduction of sentence pursuant to Amendment 782.

Defendant Fragozo entered into a Plea Agreement (Dkt. 71), pleading guilty to Count 1 of the Indictment. Defendant Fragozo was sentenced on Count 1 on June 27, 2013 to a term of imprisonment of 262 months, a 60-month term of supervised release; fine waived, and a special assessment fee of \$100.00. At sentencing, Defendant Fragozo was accountable for 910 kilograms of cocaine. Count 2 was dismissed on the Government's Motion.

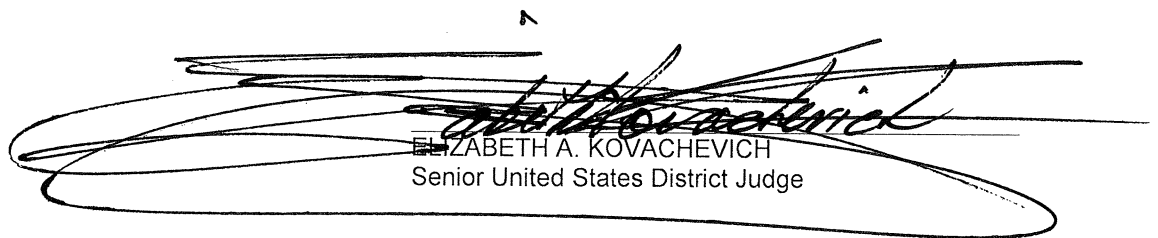
The Court denied Defendant's previous Motion seeking a sentence reduction because Defendant's base offense level remained at level 38 due to the quantity of drugs; the amended guideline did not have the effect of lowering Defendant's offense level.

The Court adopts and incorporates the prior Order denying Defendant Fragozo's Amendment 782 Motion (Dkt. 145). After consideration, the Court Denies Defendant Fragozo's Motion for Retroactive Application of

Sentencing Guidelines Pursuant to Amendment 782. Accordingly, it is

**ORDERED** that *pro se* Defendant Leonel Fragozo's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (Dkt. 149) is **denied**.

**DONE and ORDERED** in Chambers in Tampa, Florida on this 5<sup>th</sup> day of November, 2019.

  
ELIZABETH A. KOVACHEVICH  
Senior United States District Judge

Copies to:

All parties and counsel of record

**Pro Se** Defendant:

Leonel Fragozo  
56980-018  
FCI Fort Dix  
P.O. Box 2000  
Fort Dix, NJ 08640